



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
.08/944,435	10/06/1997	LAURENCE A. LAVENDEL	36-P143	1436

5514 7590 12/02/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LUU, SY D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/944,435

Applicant(s)

LAVENDEL ET AL.

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004 and 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74,75,77-82,84-89,91-96,98-103 and 105-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-75,77-82,84-89,91-96,98-103,105-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the RCE and an Amendment filed 10/25/04 and 7/26/04 respectively. Claims 74-75, 77-82, 84-89, 91-96, 98-103 and 104-108 are pending in this application. Claims 74, 81, 88, 95 and 102 are independent claims. In the Amendment, claims 74, 81, 88, 95 and 102 were amended. This action is made Non-Final.

Claim Rejections - 35 USC § 102

2. Claims 74-75, 77-82, 84-89, 91-96, 98-103, and 105-108 rejected under 35 U.S.C. 102(a) as being anticipated by Adobe PhotoDeluxe 2.0 ("PhotoDeluxe #1"), Adobe PhotoDeluxe 2.0 Screendumps #2 ("PhotoDeluxe #2"), and Adobe PhotoDeluxe 2.0 Screendumps #3 ("PhotoDeluxe #3").

As per independent claim 74, PhotoDeluxe #1 teaches a user interface comprising: a property page (Fig. 2, *"Quality" property page 20*) having at least first and second selection elements displayed within the property page (Fig. 2, *"Brightness/Contrast" button 24 and "Color Balance" button 26*), each of the at least first and second selection elements corresponding to a same control (*"Quality" control*) and representing a different appearance of a control region of the property page (*control regions entitled "Brightness/Contrast" and "Color Balance" at the bottoms of the property pages of figs. 3 and 4---the control regions are different from each other*), each appearance of the control region corresponding to the same control provided by the property page (*as shown on figs. 3 and 4*); wherein a first appearance of the control region of the property page is displayed in response to selection of the first selection

Art Unit: 2174

element (Fig. 3 depicts an appearance corresponding to the selection of the "Brightness/Contrast" button 24), and a second appearance of the control region of the property page is displayed in response to selection of the second selection element (Fig. 4 depicts an appearance corresponding to the selection of the "Color Balance" button 26);

PhotoDeluxe #3 continues the teaching of PhotoDeluxe #1 with a displayed portion of the property page including the control region changes appearance (Fig. 2 depicts a control region entitled "Dust & Scratches" in a displayed portion the property page).

PhotoDeluxe #2 continues the teaching of PhotoDeluxe #1 with data corresponding to the same control to be input in a different manner in accordance with the different appearances of the control region of the property page based on the selection of the first and second selection elements (Figs. 1-4; selection elements 202 and 204 results in interfaces 302 and 402 having different manner of input shown as buttons 304 and 404a-f which are also different than the sliders or input fields 32 as shown on fig. 3 of PhotoDeluxe #1); and

As per claim 75, which is dependent on claim 74, PhotoDeluxe #1 teaches said property page to have a control region (figs. 3 and 4, control region 30), which comprises at least one control element (figs. 3 and 4, control elements 32).

As per claim 77, which is dependent on claim 74, PhotoDeluxe #1 teaches said first and second selection elements to be shown both when the first appearance is provided and when the second appearance is provided (Figs. 3 and 4, both "Brightness/Contrast" 24 and "Color Balance" 26 buttons are shown in the first and second appearances).

As per claim 78, which is dependent on claim 75, PhotoDeluxe #1 teaches said control element to comprise at least one element selected from the group of list boxes, text boxes, check

Art Unit: 2174

boxes, slides, buttons, and editable curves (*Figs. 3 and 4, control elements 32*).

As per claim 79, PhotoDeluxe #1 teaches said property page to provide tone control (*Fig. 3, "Brightness/Contrast" 24 provides Tone control*) for an image acquisition device (*Fig. 1, scanner device selection 10*).

As per claim 80, PhotoDeluxe #1 teaches the user interface being executed in a windowing environment (*Figs 1-4 depict Photo Deluxe to be running in a windows environment*).

Claims 81, 88, 95 and 102 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 82, 89, 96 and 103 are similar in scope to claim 75, and are therefore rejected under similar rationale.

Claims 84, 91, 98 and 105 are similar in scope to claim 77, and are therefore rejected under similar rationale.

Claims 85, 92, 99 and 106 are similar in scope to claim 78, and are therefore rejected under similar rationale.

Claims 86, 93, 100 and 107 are similar in scope to claim 79, and are therefore rejected under similar rationale.

Claims 87, 94, 101 and 108 are similar in scope to claim 80, and are therefore rejected under similar rationale.

Response to Arguments

3. Applicant's arguments with respect to the amended independent claims have been fully considered but they are not persuasive.

Applicant argues that the screen prints from Adobe's PhotoDeluxe are seen merely to show multiple and separate windows, some of which have been positioned/superimposed over other ones of the windows. Thus, the applied art does not teach/suggest the claimed feature of a user interface comprising a property page having at least first and second selection elements displayed within the property page. Each of the at least first and second selection elements corresponding to a same control and representing a different appearance of a control region of the property page displayed within the property page, each appearance of the control region corresponding to the same control provided by the property page. A displayed portion of the property page including the control region changes appearance such that a first appearance of the control region of the property page is displayed in response to selection of the first selection element, and a second appearance of the control region of the property page is displayed in response to selection of the second selection element. According to the present invention, data corresponding to the same control is input in a different manner in accordance with the different appearances of the control region of the property page based on selection of the first and second selection elements.

The examiner disagrees for the same reasons that were presented in previous office actions. The main focus of Applicant's argument is directed to the teaching of the applied art on a first window (e.g. "Brightness/Contrast" and "Variations") being positioned over a portion or blocking of a second window ("Adobe PhotoDeluxe"), and this teaching is not seen to be the

Art Unit: 2174

same as the claimed user interface. However, the Examiner wishes to point out that the “Brightness/Contrast” control region is still being displayed within the property page, as required by the claim language. Furthermore, for the sake of clarity, Adobe PhotoDeluxe #3 has been included with this communication to demonstrate another instance where all claims limitations are met. This is demonstrated in the selection of selection element 10 in figure 1, resulting in the display of control region 21 in figure 2, wherein data could be input in a different manner such as through controls 20. It also clearly shown that control region 21 is being displayed within the property page as required by the claim language. Furthermore, PhotoDeluxe #3 also teaches the amended limitation of a displayed portion of the property page including the control region changes appearance as depicted in figure 2, where a control region entitled “Dust & Scratches” is shown to be completely within a displayed portion the property page.

4. It is noted that the specific disclosures of multiple buttons functioning as selection elements being arranged based on user’s familiarity/level of expertise with or complexity of the different interfaces resulting from user manipulation of the multiple buttons as noted on the first paragraph of page 8 in the specification, which if incorporated together with dependent claims 79, 86, 93, 100 and 107 into their respective independent claims, would appear to overcome the cited prior art.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

Art Unit: 2174

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Sy D. Luu', with a long horizontal stroke extending to the right.

SY D. LUU
PRIMARY EXAMINER